SINGLE BENCH

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO.1927 OF 2005

PETITIONERS : 1. Krishna Lal Patel, S/o Motil Lal Patel, Aged about 57 years, Occupation Cultivation, R/o Village Bhedikona, Tahsil Dabra, District Janjgir – Champa (Chhattisgarh).

2. Resham Lal Patel, S/o Motil Lal Patel, Aged about 51 years, Occupation Cultivation, R/o Village Bhedikona, Tahsil Dabra, District Janjgir – Champa (Chhattisgarh).

P.R. No. 2057/05
Presented by Shri H.S. Thakur
dated 05/5/05

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Versus

RESPONDENTS : 1. State of Chhattisgarh,

Through Secretary, Department of Water Resources, D.K.S. Building, Mantralaya, Raipur (C.G.).

2. The Collector/Land Acquisition Officer, District Janjgir-Champa (Chhattisgarh).

3. The Executive Engineer, Water Resources Department, District Janjgir-Champa (Chhattisgarh).

4. The Sub Divisional Officer, Department of Water Resources, Sub Division, Dabra, District Janjgir-Champa (Chhattisgarh).

5. The Sub Divisional Officer (Revenue)/ Land Acquisition Officer, Dabra, District Janjgir-Champa (Chhattisgarh).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(76)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. NO. 1927/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22/11/2006 Shri V.R. Tiwari, Counsel for the petitioners. Shri Sushil Dubey, Counsel for the respondents/State. Heard. Reply has already been filed on behalf of the respondents. The case of the petitioners is that they are agriculturists and owners of the land bearing Khasra No.42/1 situated at village Bhadikona, which has been merged in water tank of respondent-Water Resources Department in the year 1984, on account of that petitioners are incapable of cultivation of the said land. They are facing great hardship on account of non-payment of compensation by the Department. Therefore, the respondents be directed to initiate acquisition proceedings of land bearing Khasra No.42/1 and they be further directed to grant compensation along with interest in accordance with Section 34 of the Land Acquisition Act. In the reply filed by the respondents it has been mentioned that the Sub-Divisional Officer, Water Resources Department, Dabra, submitted spot inspection report before the Sub-Divisional Officer, (Revenue)/Land Acquisition Officer, Debra, vide his communication dated 27/08/2000 for acquisition of land bearing Khasra No.42/1 and even the Executive Engineer, Irrigation Division, Janjgir has submitted the land acquisition case for award before the Sub-Divisional Officer, vide his letter dated 04/08/2005. In the circumstances, the respondents–Water Resources Department has already initiated the case for acquisition of land bearing Khasra No.42/1.	

(पीछे देखिये)

(67)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Counsel for the petitioners submits that in the circumstances, respondent No.5 be directed to decide the compensation case expeditiously.

In view of the foregoing facts, the prayer made by the counsel for the petitioners appears to be just and fair, as the land in question was submerged as back as in the year 1983 in the Water Resources Department for construction of water tank and since then the petitioners are deprived of the fruits of their land. It seems that in the year 2000 the papers were moved for acquisition, but respondent No.5 is not deciding the acquisition case. Therefore, in the circumstances, respondent No.5 is directed to decide the acquisition case of the petitioners' land and pass award of compensation in accordance with law within a period of six months from today.

With the aforesaid direction, the petition stands disposed of.

Consequently, M.W.P.No.1514/2005, I.A.No.7106/2006, 2096/2006 and 2349/2006 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Raju

(पीछे देखिये)